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2 The Honorable Ronald B. Leighton  
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6 UNITED STATES DISTRICT COURT FOR THE  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 CLEAR CREEK RETIREMENT PLAN II  
10 LLC, a Washington limited liability company,

11 Plaintiff,

12 vs.

13 FOREMOST INSURANCE COMPANY  
14 GRAND RAPIDS MICHIGAN, a Michigan  
15 corporation,

16 Defendant.

No. 3:17-cv-05564-RBL

**STIPULATED MOTION AND ORDER  
TO AMEND CASE SCHEDULE**

17 Defendant Foremost Insurance Company Grand Rapids, Michigan (“Foremost”) and  
18 Plaintiff Clear Creek Retirement Plan II, LLC (collectively the “Parties”) submit this Stipulated  
19 Motion to Amend Case Schedule.

**I. INTRODUCTION**

20 Foremost’s Motion for Summary Judgment is currently pending before the Court.  
21 Under the current Case Schedule, disclosure of expert testimony is due on June 20, 2018.  
22 Depending on the Court’s ruling on summary judgment, expert testimony may not be required.  
23 Therefore, the Parties are stipulating to amend the case schedule and extend the discovery  
deadlines.

1 If the expert disclosure deadline is extended sixty (60) days, the extension would  
2 compromise other related discovery deadlines. As a result, the Parties stipulate to the 60-day  
3 extension of other related discovery deadlines.

4 It is therefore respectfully requested that the Court amend the Case Schedule for the  
5 reasons set forth herein.

## 6 II. STATEMENT OF FACTS

7 Plaintiff commenced this action July 3, 2017, in Pierce County Superior Court. Docket  
8 at 1-2. Defendant Foremost removed this action to United States District Court on July 21,  
9 2017. Dkt. at 1.

10 Since then, Foremost filed its Motion for Partial Summary Judgment seeking dismissal  
11 of Plaintiff's IFCA claim. Dkt. at 11. Defendant Foremost's Motion for Partial Summary  
12 Judgment is currently pending before the Court.

13 In order to potentially avoid incurring the cost of expert witnesses, the Parties stipulate  
14 to the extension of FRCP 26(a)(2) deadline by 60 days, along with the other related discovery  
15 deadlines. Extension of the expert deadline would conflict the other discovery deadlines,  
16 specifically the deadlines for discovery related motions and completion of discovery. As a  
17 result, the Parties stipulate to the extensions of the following deadlines by 60 days:

- 18 • Disclosure of expert testimony under FRCP 26(a)(2)
- 19 • All motions related to discovery
- 20 • Discovery completion

21 For the reasons set forth herein, the Parties respectfully request that the Court amend the  
22 current Case Schedule.

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(4) *Modifying a Schedule.* A schedule may be modified only for good cause and with the judge's consent.

Fed. R. Civ. P. 16(b)(4).

In this case, there is no prejudice to the non-moving party because the Parties have stipulated to amending the Case Schedule. There is also good cause to amend the Case Schedule because the pending Motion for Summary Judgment could eliminate the need for expert testimony in this matter. Accordingly, extending the requested deadlines could prevent the unnecessary incurred costs of hiring experts.

<b>Case Events</b>	<b>Amended Due Date</b>
Disclosure of expert testimony under FRCP 26(a)(2)	8/20/2018
All motions related to discovery must be FILED	9/28/2018
Discovery COMPLETED	10/19/2018

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#### IV. CONCLUSION

Based on the foregoing, it is requested that the Court amend the Case Schedule as presented above, pursuant to the stipulation of the Parties.

DATED this 30<sup>th</sup> day of May, 2018.

LEATHER & ASSOCIATES, PLLC

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s/ Eric J. Neal

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DATED this 30<sup>th</sup> day of May, 2018.

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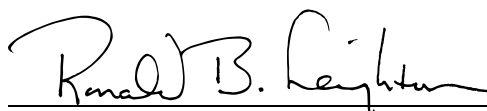
*Counsel for Plaintiff*

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4 **V. ORDER**

5 Based on the foregoing Stipulation, it is hereby ORDERED that the Case Schedule be  
6 amended as follows:

7 <b>Case Events</b>	<b>Amended Due Date</b>
8 Disclosure of expert testimony under FRCP 26(a)(2)	8/20/2018
9 All motions related to discovery must be FILED	9/28/2018
10 Discovery COMPLETED	10/19/2018

11 DONE IN OPEN COURT this 31<sup>st</sup> day of May, 2018.

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15 Ronald B. Leighton  
16 United States District Judge

17 Presented by:

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20 s/ Eric J. Neal

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